

**Remarks**

Favorable reconsideration of this application, in view of the above amendments and in light of the following remarks and discussion, is respectfully requested.

Claims 1-3 and 12-18 are currently pending in the application; Claims 1-3 and 12-14 having been amended, Claims 4-11 having been canceled without prejudice or disclaimer, and new Claims 15-18 having been added, by way of the present response. Applicants respectfully assert that support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and that therefore no new matter has been added.<sup>1</sup>

In the outstanding Office Action Claims 2-6 were rejected under 35 U.S.C § 112, second paragraph; Claims 2-6 were rejected under 35 U.S.C. § 101; and Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,706,277 to Klink in view of U.S. Patent No. 6,288,809 to Touma et al. (Touma).

Initially, Applicants express thanks for the Examiner's indication that Claims 12-14 recite allowable subject matter, such that the claims although having been objected to would be allowable if rewritten in independent form. In response, Applicants have re-written Claims 12-14 to recite features of independent Claim 1 and dependent Claim 10. Applicants have further amended the claims in a non-narrowing manner to remedy potential informalities and to place the claims in better conformity with standard U.S. practice. Thus, in accordance with the Examiner's indication of allowable subject matter, Applicants respectfully request the allowance of Claims 12-14.

As stated above Claims 2-6 were rejected under 35 U.S.C. § 112, second paragraph. In response, Applicants have amended Claims 2 and 3 so as not to recite method steps, and

---

<sup>1</sup> Applicants respectfully assert that support for the changes to the claims is supported as follows: in Claim 1, by original Claim 10, as well as from page 34, line 27 to page 35, line 2, and on page 4, lines 9-11 of the specification; in Claim 2, by original Claim 10; in Claim 3, by original Claim 13, as well as on page 37, lines 4-6; in Claims 15-18, by bases similar to those of currently amended Claims 1-3.

have canceled Claims 4-6. Thus, Applicants respectfully request that the rejection of Claims 2 and 3 under 35 U.S.C. § 112, second paragraph, be withdrawn.

As stated above Claims 2-6 were rejected under 35 U.S.C. § 101. In response, Applicants have amended Claims 2 and 3 so as not to be directed to a process, and have canceled Claims 4-6. Thus, Applicants respectfully request that the rejection of Claims 2 and 3 under 35 U.S.C. § 101 be withdrawn.

As stated above Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klink in view of Touma. Applicants respectfully assert that the amendments to the claims have overcome the rejection for the following reason.

The present invention is directed to an optical distribution network system. Independent Claim 1 recites a plurality of optical network units connected to an optical line termination through a working optical network and a standby optical network. At least one of the plurality of optical network units includes means for selecting one of downstream messages copied by the optical line termination and received via the working optical network and the standby optical network, based on selection signals including in passive optical network section trace messages for respective optical network units.

Klink is directed to a method for bidirectional transmission of digital signals. Touma is directed to an optical subscriber network system. Applicants respectfully assert that Klink and Touma do not teach or suggest, whether taken alone or in combination, the claimed features of selecting one of downstream messages copied by an optical line termination and received via a working optical network and a standby optical network, based on selection signals including in passive optical network section trace messages for respective optical network units, as recited in independent Claim 1.

Specifically, independent Claim 1 recites “at least one of the plurality of optical network units comprises means for selecting one of downstream messages copied by the optical line termination and received via the working optical network and the standby optical

network, based on selection signals including in passive optical network section trace messages for respective optical network units." Thus, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of independent Claim 1.

Applicants respectfully assert that Claims 2 and 3 are allowable for the same reasons as independent Claim 1, from which they depend, as well as for their own features. Thus, Applicants respectfully request that the rejection of dependent Claims 2 and 3 under 35 U.S.C. § 103(a) be withdrawn, and the allowance of dependent Claims 2 and 3.

Applicants respectfully assert that new independent Claim 15, as well as dependent Claims 16-18 depending therefrom, is allowable for reasons similar to those of independent Claim 1. Thus, Applicants respectfully request the allowance of Claims 15-18.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 and 12-18 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

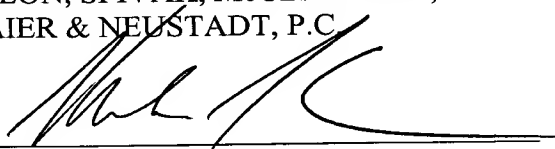
Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Gregory J. Maier  
Registration No. 24,913

Philip J. Hoffmann  
Registration No. 46,340